

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

No. 0:20-cr-00100-WMW-KMM

Plaintiff,

v.

ORDER

2. RICHARD VAN TRAN,

Defendant.

This matter is before the Court on the parties' motions for discovery and disclosure. The Court held a hearing on August 27, 2020, at which Richard Van Tran and his counsel as well as counsel for the government appeared by video conference. Based on the parties' motions and oral argument at the hearing, the Court enters the following Order.

1. Government Motion for Discovery Pursuant to Federal Rules of Criminal Procedure 16(b), 12.1, 12.2, 12.3 and 26.2 (ECF No. 16).

Pursuant to several Rules of Criminal Procedure, the government seeks disclosure of: documents and tangible objects Mr. Tran intends to introduce as evidence at trial; reports of scientific examinations and tests made in connection with this case; a written summary of expert testimony Mr. Tran intends to use as evidence; any alibi defense or defense based on insanity or public authority; and witness statements he may call at a hearing or at trial. Mr. Tran does not oppose making disclosures as required by the Federal Rules of Criminal Procedure. The government's motion is **GRANTED**.

With respect to expert disclosures, the government shall make any expert disclosures at least **four weeks prior to trial**. Mr. Tran shall make any expert disclosures at least **three weeks prior to trial**.

2. Defendant's Pretrial Motion for Discovery and Inspection (ECF No. 34).

Mr. Tran seeks disclosure of the following materials: any statements by Mr. Tran in the government's possession; any oral statements he made that the government intends to offer at trial; documents and tangible objects; results or reports of physical or mental examinations, and of scientific tests or experiments; and a copy of Mr. Tran's criminal record. The government does not oppose the motion and indicates that it has already disclosed the materials required by the Federal Rules of Criminal Procedure, as well as other material not covered by the Rules. Mr. Tran's motion is **GRANTED**. Expert disclosures shall be made in compliance with Paragraph 1 of this Order.

3. Defendant's Motion for *Brady* Material (ECF No. 35); and Defendant's Motion to Compel Production of *Giglio* Material (ECF No. 37).

Mr. Tran moves for disclosure of evidence in the government's possession that is favorable to the defense pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *United States v. Giglio*, 405 U.S. 150 (1972), and their progeny. The government does not oppose the motions, states that it is aware of its obligations under the relevant case law, and represents that it will make any disclosures required. Mr. Tran's motion is **GRANTED**.

4. Defendant's Pretrial Motion for Government Agents to Retain Rough Notes (ECF No. 36).

Mr. Tran seeks an order requiring all government law enforcement officers and agents involved in the investigation of this case to retain and preserve any rough notes taken during their investigation. He further states that "[t]his motion is made for the Court to determine whether disclosure ... is required under *Brady v. Maryland*, 373 U.S. 83 (1963), or the Jencks Act, 18 U.S.C. § 3500. The government does not oppose the motion to the extent that Mr. Tran requests rough notes be retained. However, the government objects to the extent disclosure is requested. Mr. Tran's motion is **GRANTED IN PART** to the extent that it seeks to compel the government to retain any rough notes. Disclosure is not required by this Order.

5. Defendant's Pretrial Motion for Disclosure of Rule 404(b) Evidence (ECF No. 38).

Mr. Tran moves the Court for an Order directing the government to disclose any "bad act" or "similar course of conduct" evidence it intends to offer at trial through Federal Rule of Evidence 404(b). The government does not object to making disclosure as required by Rule 404(b) and proposes that such disclosures be made 14 days prior to trial. Mr. Tran's motion is **GRANTED**. The government shall make the disclosures required by Federal Rule of Evidence 404(b) at least **three weeks prior to trial**.

IT IS SO ORDERED.

Date: August 31, 2020

s/Katherine Menendez
Katherine Menendez
United States Magistrate Judge